IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH APRIL 2007 / 7TH VAISAKHA 1929

Crl.MC.No. 1305 of 2007()

AGAINST THE ORDER IN LP. 76/1998 IN CC.59/1995
of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

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PETITIONER: 1ST ACCUSED

ABDUL MAJEED, S/O.ALI,
PATTARCHOLAYIL HOUSE, KARASSERY P.O.,
KAKKAD AMSOM, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE:

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1. S.I. OF POLICE,
MUKKOM POLICE STATION.

2. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. BENJAMINE PAUL, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. M.C NO. 1305 OF 2007

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Dated this the 27th day of April 2007

O R D E R

The petitioner, who is the accused in C.C No. 59/95 in the file of Judicial First Class Magistrate's Court, Thamarassery with respect to the offences under Sections 457, 380, 451 r/w Section 34 of IPC, has sought for a direction to the court below that there may not be an order of pre-trial detention at the time of his appearance. It was submitted that he could not appear before the court below.

2. In the circumstances, the petitioner is directed to surrender before the court below within two weeks from today and file an application for bail. Non bailable warrant is not to be executed in the meantime. Pre-trial detention is not required. The court below shall as far as possible dispose of the application for bail, to be filed on the date of appearance of the petitioner itself.

The Crl. M.C is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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